In the Matter of)	
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Petition of the Embarq Local Operating)	
Companies for Forbearance Under 47)	
U.S.C. Section 160(c) From Enforcement)	WC Docket No. 07-204
of Certain of ARMIS Reporting)	
Requirements)	
)	

Comments of the Washington Utilities and Transportation Commission

The Washington Utilities and Transportation Commission (UTC) submits these

comments in opposition to the above-captioned forbearance petition filed by the Embarq

local operating companies. United Telephone of the Northwest Inc. is an Embarq local

operating company that offers regulated telephone services in Washington State.

The UTC recently filed comments in response to similar forbearance petitions

filed by Qwest Corporation (Qwest) and Verizon Communications Inc. (Verizon) in WC

Docket Nos. 07-204 and 07-273, respectively. In those petitions, Qwest and Verizon

requested forbearance from the federal requirement to file ARMIS Reports 43-05 and 43-

08, similar to the relief now requested by Embarq.

As stated in its comments in those proceedings, the UTC opposes Federal

Communications Commission (Commission or FCC) forbearance of enforcement of

these requirements. The UTC relies extensively on ARMIS reports in carrying out its

responsibility to monitor, report on, and act upon matters within its state statutory

authority.

ARMIS Report 43-05

The UTC uses ARMIS Report 43-05 (ARMIS Service Quality Report) by carriers in Washington to contrast their quality of service with that provided by other affiliated or unaffiliated companies operating in Washington and other states. Embarq states that information about its service quality is reported on outage reports.[1] However, it is unclear whether outage reports would be an adequate substitute for necessary ARMIS data. Embarq's petition fails to describe what useful information might be contained in its service outage reports, including their level of detail, filing frequency, and availability to state regulators and other stakeholders. For this reason, the UTC cannot evaluate Embarq's assertion that ARMIS Report 43-05 is not necessary to protect consumers.

ARMIS Report 43-08

United Telephone of the Northwest is not required to submit ARMIS Report 43-08, and, therefore, does not report Washington lines in its ARMIS Report 43-08. However, the UTC uses the data that Embarq reports for other states in which it operates in assessing Embarq's Washington operations. A distinguishing aspect of ARMIS reports is the ability to use the ARMIS extract feature to analyze industry-wide, regional, and state-wide information over multiple years, at an account or category level. Much of the comparative information available on ARMIS is not data that a carrier would likely be able to provide to an individual state commission if requested, especially other companies' data. State regulators have no other readily-available cost-effective source for this type of information when trying to compare a company's operations in their state with operations of other companies, or with that company's operations in other states. UTC Staff query the ARMIS data retrieval module frequently in developing analysis of

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[1] Embarq Petition, page 6.

issues relevant not only to traditional economic regulation but also consumer protection and quality of service.

Embarq also contends that infrastructure data contained in FCC Form 477 are an adequate substitute for ARMIS Form 43-08. However, publicly-available Form 477 data lack the detail inherent in the ARMIS reports, presenting no more detailed information than totals for each state. While more detailed Form 477 data for all companies reporting in a particular state are available to state regulatory commissions upon request, the information is less accessible to policymakers and consumers because of confidentiality provisions that attend its use.[2] State commissions may get some access to Form 477 data by signing non-disclosure agreements, but confidentiality requirements cramp efforts to apply the data to public policy matters and restrict states to receiving only their state-specific data which inhibits any useful comparisons to similar data from other states.[3]

While the Commission may ultimately determine that the reporting required of Embarq and similarly situated companies is burdensome or excessive, it should not undertake such a determination without a careful and complete record to consider the impact of each reporting change upon states' efforts to regulate intrastate telecommunications services in the public interest.

The UTC believes the forbearance petition process is an inappropriate means for effecting generally applicable changes to Commission reporting and record-keeping requirements. This petition is one of many filed by incumbent carriers seeking a similar

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[2] As of the date of these comments the most recent 477 data available on local telephony is from December 2006. It was provided to the UTC in January 2008. *See* http://www.fcc.gov/wcb/iatd/comp.html.
[3] Some carriers suggest the Commission consider expanding the scope of Form 477 to address some of these concerns. While the UTC would encourage consideration of an expanded Form 477, it firmly believes that modifications or reductions to the scope of ARMIS reporting should await any changes in Form 477 reporting.

forbearance result. The UTC strongly believes that potential changes to these federal reporting requirements should be vetted through a comprehensive and well-noticed rulemaking, one that allows more thorough consideration of the effect of reduced reporting and record-keeping on the UTC and other state regulatory agencies.

Accordingly, the UTC urges the Commission to deny Embarq's petition.

RESPECTFULLY submitted this 1st day of February, 2008.

David W. Danner
Executive Director
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
360-664-1208